

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**In re**

**Vicky Rodríguez Torres**  
Debtor

**Bankruptcy Case 09-10864 (BKT)**

**CHAPTER 7**

**Vicky Rodríguez Torres**  
Plaintiff

**Adversary Proc. 10-00137 (BKT-7)**

v.

**18 U.S.C. §1030**

**18 U.S.C. §2510**

**18 U.S.C. §2701**

**Enid López-López, Guillermo Camba-Casas,  
Mariela Rexach Rexach, Government  
Development Bank of P.R., et als.**  
Defendants

**42 U.S.C. §1983**

**42 U.S.C. §1985**

**42 U.S.C. 1988**

**TORTS**

**MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO  
COMPLAINT, REQUEST DISMISSAL OR OTHERWISE PLEAD**

TO THE HONORABLE COURT:

COMES NOW, Co-Defendants, Puerto Rico Government Development Bank (hereinafter referred to as GDB) and Mariela Rexach-Rexach (hereinafter referred to as Rexach), through their undersigned counsel, and respectfully represents and prays:

1. On August 9, 2010, Plaintiff filed the present adversary complaint against the appearing co-defendants, and also against Enid López López and Guillermo Camba Casas. On that same day, the summons were issued by the Clerk of the Court. **See Dkts. 1 and 2.**

2. On August 11, 2010, and pursuant to Rule 7004 of the Federal Rules of Bankruptcy Procedure, the summons and the Complaint were delivered, and thus served, upon Co-Defendants Mariela Rexach Rexach and the GDB, via regular mail<sup>1</sup>.

3. Pursuant to Rule 7012(a) of the Federal Rules of Bankruptcy Procedure, “[i]f a complaint is duly served, the defendant shall serve an answer within 30 days after the issuance of the summons, except when a different time is prescribed by the court.”

4. With respect to co-defendants GDB and Rexach, the 30-day period to file the answer to the present complaint and/or otherwise plead expires tomorrow September 8, 2010.

5. Given the multiple causes of action raised by Plaintiff in her complaint, the undersigned has performed (and is in the process of performing) an extensive legal research of the causes of action alleged in the Complaint and of the applicable defenses available in this case. In addition, the undersigned is in the process of drafting a thorough motion to dismiss, which includes arguments such as lack of standing, lack of subject matter jurisdiction, failure to state a claim upon which relief may be granted and collateral estoppel, among others.

6. Rule 9006(b)(1) of the Federal Rules of Bankruptcy Procedure provides that “when an act is required or allowed to be done at or within a specified period by the [bankruptcy rules] or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or

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<sup>1</sup> As of this date, Co-Defendants, Guillermo Camba-Casas and Enid López-López have not been served with the summons and copy of the Complaint as required by Rule 7004 of the Federal Rules of Civil Procedure. The event titled as “Summons Service Executed”, filed by Plaintiff at docket number 5, does not constitute proper service of the summons and the complaint, pursuant to FRBP 7004.

(2) on motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

7. In view of the nature of the Complaint, the multiple defenses available for Defendants and the research currently being performed, the appearing Co-Defendants respectfully request an extension of 20 days (until September 29, 2010) to file the answer of the complaint, a motion to dismiss and/or otherwise plead.

WHEREFORE, Defendants respectfully request this Honorable Court to grant the appearing defendants a 20-day extension of time (until September 29, 2010) to file an answer to the complaint, a motion to dismiss and/or otherwise plead, with such further relief as it may deem proper and just.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 7<sup>th</sup> day of September, 2010.

WE HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. In addition, a copy of this motion was sent on this same date to the following CM/ECF non-participant: Vicky Rodríguez Torres, 650 Sergio Cuevas, Apt. 1911, San Juan, P.R. 00918.

**SCHUSTER AGUILÓ LLP**

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**s/Andrés C. Gorbea-Del Valle**

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